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# THE PROPOSED ILLINOIS BUREAU OF CRIMINAL RECORDS AND STATISTICS<sup>1</sup>

HENRY BARRETT CHAMBERLIN<sup>2</sup>

In the Fifty-first and Fifty-second Sessions of the General Assembly of Illinois there was introduced:

## A BILL

For an Act in relation to the collection, use and preservation of data, information and records concerning crimes and criminals and complaints relating to crimes, and providing penalties for misconduct in relation thereto.

Section 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: The Department of Public Welfare shall:

1. Collect information, reports and data of and concerning complaints of felonies committed, or suspected to have been committed in this state, and all legal steps taken in connection therewith and all proceedings ancillary thereto from the inception of the complaint to the final disposition of the case, including all data relating to the discharge of the defendant either upon hearing or upon expiration of term of sentence.

2. To keep and preserve in permanent books and records the data and information so collected and received.

Sec. 2. All clerks of courts, sheriffs, coroners, justices of the peace, police magistrates, police officers and constables, shall furnish, upon the demand of the Department of Public Welfare, the information required by Section 1 of this Act, upon forms to be prepared and furnished by the Department of Public Welfare.

Sec. 3. The Department of Public Welfare shall furnish, upon the request of any public officer having to do with the enforcement or administration of the criminal laws of the state, a transcript of the records of the Department of Public Welfare pertaining to any individual, and such transcript, regularly certified over the signature of the

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<sup>1</sup>Read at the thirteenth annual meeting of the Institute, in Cincinnati, Ohio, November 18, 1921.

<sup>2</sup>Operating Director of the Chicago Crime Commission, 179 W. Washington St., Chicago, Ill.

Director of the Department of Public Welfare, with the seal of the Department attached, shall be admissible upon any trial as evidence of the facts recited therein, if otherwise competent. Where authenticated transcriptions of such records are furnished to other than public officers, the same shall be charged for on the same basis as charges are made by clerks of courts of record in this state for certified copies of papers and pleadings.

Sec. 4. In case of willful failure or refusal to furnish the information, or any part thereof, herein required to be reported to the Department of Public Welfare, a writ of mandamus may be awarded, directed to any officer required by this Act to furnish such information, which writ of mandamus may be applied for in any court of competent jurisdiction of the county where said officer resides or has his office, by the Director of Public Welfare or his agent, and such writ shall direct such officer forthwith to report said information to the Department of Public Welfare.

Sec. 5. Any person charged with the performance of any duty hereunder who shall knowingly and willfully fail or neglect to perform such duty, and any person who shall knowingly and willfully refuse or fail to make the reports herein required to be made by him, or shall knowingly and willfully report false information to the Department of Public Welfare, or shall knowingly and willfully alter or falsify any of the records of said Department of Public Welfare in any material respect, or shall knowingly and willfully prevent or obstruct, or attempt to prevent or obstruct, the Department of Public Welfare, or the Director thereof, to secure or gather any of the information hereby required to be furnished, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars, or by confinement in the county jail not exceeding one year, or by both such fine and imprisonment.

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It was defeated. It will be again introduced in the Fifty-third General Assembly in 1923. It ought to be enacted into law for the reasons that I shall endeavor to present.

Science deals only with facts. Correct conclusions are reached through an understanding of properly related facts. It matters little what subject is studied.

Scientific consideration of crime and criminals is no exception. Establish the facts, arrange them in proper relation, and the conclusion must be sound.

Facts in themselves have little scientific value. It is the relation that is all important. It is on this theory that the Chicago Crime Commission is operating. As yet it is far from scientific. It is almost altogether experiential. The Commission has been in existence but three years, has limited its activities to Chicago and Cook County and has undertaken, as a general proposition, an attack on the major crimes of violence—murder, burglary and robbery—to which has been recently added the thefts of motor cars because these automobiles furnish the transportation of the modern criminal. Experience proves that there is great need for state and municipal bureaus of criminal records and statistics, organized along lines which will establish statements of facts in relation to crime in terms permitting the striking of a balance between the facts themselves.

Accurate statistics are essential in determining causes for abnormal crime conditions. Without such figures reflecting actual conditions, it would be futile to attempt an intelligent and effective repression of criminal activities, or to obtain an honest administration of criminal justice.

The Chicago Crime Commission was organized by the Chicago Association of Commerce and began its operations January 1, 1919. Prior there had been a continually increasing tide of criminal violence. Crime in Chicago assumed an entirely new aspect. Previously there had been the occasional burglary of a home or the breaking into a business establishment at night. From time to time there were safe-blowings. The lone highwayman would slug and rob a victim in the shadow of night. There were the usual murders to be expected in a large cosmopolitan community. But conditions were not what could be called abnormal for a large growing city—a lake port, the largest railroad center in the world and a city whose normal increase in population average more than 5,000 a month. The city found itself in the grip of organized bandit gangs. In addition to what might be called the normal activities of the everyday burglar, robber and safeblower, Chicago contended with the activities of well-organized, heavily armed, highly disciplined bandit gangs who feared neither the light of day nor the presence of the police during their operations and who seemed convinced that they ran little risk of suffering the penalty provided by law for their acts. There were payroll robberies, banks were held up and jewelry stores and other places where merchandise of small bulk and large value could be obtained were looted, and anyone who interfered or a victim who hesitated was wantonly murdered. The police

were no exception. "Dead men make no identifications" seemed to be their motto. Neither life nor property was safe.

The morale of the police department broke down completely. Living costs had soared. Salaries in other lines had risen in larger proportion than theirs. The men seemed both indifferent and helpless. Bandits found it easy to procure arms and ammunition. The theft of a high-grade motor car with large passenger capacity and an engine of high speed and endurance invariably preceded large operations. The police were equipped with a few poorly maintained and comparatively slow automobiles. An inadequate alarm system was also a handicap. The ease with which the first big holdups were executed, the swiftness and dispatch with which the criminals escaped, the slowness and ineffectiveness with which the prosecution of the few bandits captured and identified proceeded, made the profession of crime so attractive and profitable that it drew many recruits and created a condition which was becoming increasingly serious.

It was under these conditions that the Chicago Crime Commission set about to effect the proper administration of criminal laws. It believed that the lessening of crime was an object worthy of the best thoughts and best efforts of its best men. With a personnel of over one hundred men representative of the banking, business and professional interests, giving of their time liberally and gratuitously and backing it with their money, operating through an efficient and trained staff of investigators, statisticians and clerks, it set to work. It found that the means hitherto employed to combat criminality had proved ineffective. In an endeavor to correct antiquated and admittedly inferior methods informative statistics were sought as a basis for an analysis of the situation. Almost immediately it was discovered that there were no adequate criminal records in Illinois. Records available were scattered throughout numerous and unrelated units of government and were written in terms which required new tabulations and rearrangement in order to get a statement of facts upon which a correct diagnosis could be based.

As stated in its by-laws the Chicago Crime Commission seeks "to promote the efficiency and activity of all officers and departments of the state, county and city administrations charged with the duty of the suppression, prevention and punishment of crime." A brief study convinced the operating department that the officers at the head of the various branches of government charged with this duty desired to perform well. None denied that the community was confronted by a situation which was becoming more and more serious. None questioned

the necessity of immediate action to prevent a complete breaking down of law and order.

The police told about their worn-out automobiles which should be junked and sent to the scrap heap, and how the modern holdup man found it easy to escape in a stolen motor car traveling sixty miles an hour while they followed in a "tin lizzie" capable of traveling about one-third as fast. They also complained that after criminals were captured the courts frequently ordered their release before the police had time to gather evidence sufficient to hold them, that political and other influence aided in this process, that convictions were rare, court procedure slow and witnesses were worn out and discouraged long before the case had run the usual course—a course mapped out for it by the attorneys of the professional crook for that very purpose. The State's Attorney complained of an overload of accumulated cases, a crowded jail and an appropriation too small to provide a sufficient number of qualified assistants, the haphazard release by judges of professional criminals on worthless bonds and other abuses. The judges said that there were not enough magistrates in the Criminal Court to handle the business, that no matter what the actual merits of each case might be, nor how bad the general situation, that they were compelled to proceed in accordance with the law as it appeared in the statute books, and that delays could not be avoided. They said that too many prisoners were paroled from the state penal institutions, and that if crime was on the increase the solution should be sought elsewhere. The Division of Pardons and Paroles replied that perhaps the abuses of the Probation Act administered by the judges rather than the release of convicts on parole would reveal the cause. The Division also said that if the judges and the State's Attorney complied with the law, requiring them to forward complete records in all cases committed to the state penal institutions, that that Board could have all of the evidence before it instead of only part. The judges and the State's Attorney responded by saying that the reports were as complete as facilities for making them permitted.

It was a bad mess. The capture and punishment of criminals and the protection of life and property of the community was everybody's job, with everybody doing something, but with little accomplished in the aggregate.

A diagnosis was needed. The Commission took the crime situation into the laboratory. It began a study of the nature of the business. It wanted to learn the laws of its existence. A search for facts revealed duplication, overlapping, confusion of terms, omissions, inaccuracies—

almost everything except an orderly arrangement of data upon which a reasonable deduction could be made. The city, the county and the state kept figures. None of the records were entirely useless. Most of them had a purpose. Some of them performed that purpose well. Yet, there was no single agency which could supply data in a form which made it comparable with other relevant data given in a way which would indicate the cause for a given condition. The records represented time, effort and the expenditure of considerable money, but they had not produced results.

Important information is always definite. Indefinite information, disjointed statements, unverified reports, official guesswork are of small value.

Statistical arrangements are useless if they do not permit comparisons. Where there is a great variety of arrangement, segregation of figures to be used as a basis of comparison is a task requiring much care and discretion. The Crime Commission found itself confronted with a situation very similar in its aspects to that of auditors called upon to account for the collapse of a big private banking institutions which has been established for many years and whose accounting system was devised in the pioneer days. Its founder kept few records, for there was little to record. It was far more important to his clientele that he should keep their money so that it might be had where and when they wanted it. It was an old system suited to old conditions, but as business grew, times changed and many hands touched the helm, it failed to stand the test and was worthless in a modern emergency. As the old private bankers had little or no need for producing at regular intervals statements of conditions, the old-time village marshal had little or no need for accounting for criminal activities. The more we study the public records of our great American communities, the more and more we are convinced that this is still a new country and that we are not many years removed from the primitive methods which met the needs of pioneer days.

The most serious problem encountered by the Commission in its attempt to cure the crime situation in Chicago was the absence of dependable statistics. The general public is but little interested in figures. People will read and retain very little statistical information. They are not concerned in statistics they do not understand. To attract and hold popular attention, statistics must be few, striking and error-proof. They must tell something the public does not know in a way to convince without argument. They must be an incontrovertible statement of facts affecting the people themselves. When the Chicago

Crime Commission started the public was interested in crime. It was feeling its effects. The city was paying for crime in the terms of dollars and cents. Large individual losses were being sustained. Uninsured payrolls were stolen. The insurance companies were paying big losses. The public in turn was paying higher rates for insurance. Human lives were being sacrificed. Under those circumstances crime figures were of interest.

It was decided to use the card index as a weapon against crime, and it proved most effective. Some of the things it accomplished in Chicago were:

1. A 51 per cent reduction in the number of murders for the year 1920, as the result of the clearing of the murder docket by public-spirited judges who volunteered to act under a plan of the Commission.
2. A lesser but satisfactory reduction in burglaries and robberies.
3. The exposure of a ring of professional bondsmen, disclosing not only the fact that many hundreds of criminals had escaped punishment on straw bail, but also that forfeited bonds in the sum of approximately \$5,000,000 were uncollected.
4. The vigorous prosecution of robbery cases and sending of many men to the penitentiary under sentence of from ten years to life.
5. Registration of public dissatisfaction concerning the inefficiency of the police, which resulted in the appointment of a new Superintendent.
6. Action to prevent admitting professional criminals to parole and probation.
7. The adoption of a plan by the judges, State's Attorney, Sheriff, Clerk of the Criminal Court and the Superintendent of Police resulting in the assignment of seven additional judges to the Criminal Court, bringing the total number up to 15, for the purpose of clearing the criminal docket and keeping it clear.
8. The energizing of officials to bring about a speedy and sure punishment of criminals.

By April 1, 1920, the records showed that 135 persons under indictment for murder were awaiting trial in Chicago. In 104 of these cases the accused were at liberty on bond. In a majority of the cases so much time had elapsed since indictment that witnesses had disappeared, evidence had been lost and successful prosecution was difficult. The Crime Commission brought the situation to the attention of the courts. A murder drive was begun. Four judges in the Civil Courts volunteered to sit in the Criminal Courts and try cases until the murder docket was cleared. This resulted in 12 sentences to hang and 12



sentences of from one year to life in the penitentiary. Immediately following the speedy disposition of these cases the murder rate in Chicago dropped 51 per cent, where it has since remained. The records for the first seven months of each of the last three years is as follows:

1919 .....	232
1920 .....	87
1921 .....	91

In consequence, while most large cities are reporting an increase in major crimes, the Crime Commission is able to say to the citizens of Chicago that murder, burglary, and robbery have decreased in their city. The theft of motor cars, which until recently was on the increase, at present is well in hand. Proportionately fewer cars are stolen and a very much larger per cent of stolen cars is being recovered.

Records of the Crime Commission prove beyond all question that there is a direct ratio between acquittal in criminal cases and unwarranted delays in prosecution. The longer the delay, the fewer the convictions. Administrators of justice in Chicago, as well as the general public, have learned that prompt trial in criminal cases means speedy justice and less crime. Conclusions obtained from proper arrangement of existing statistics have brought about this improvement.

It is a change accomplished as a purely business proposition. Aside from the ethical consideration involved, crimes of violence cause economic losses which the business interests of Chicago could not overlook. Communities as a whole will be prompted by other motives as well. Crime is a problem with which the state should deal. State bureaus for handling the problem are a present-day necessity. Smaller units which will co-operate with the state bureau may be established to meet the needs peculiar to each locality. Methods of operation will be determined by local conditions, but systems should have a degree of uniformity which will permit the prompt and ready exchange of information with other states on request.

The Chicago Crime Commission has attempted to assemble all available statistics from official sources relating to major crimes. It has confined its activities to the consideration of murder, burglary and robbery, but is making a special study of motor car thefts because of its direct relation to these crimes. It has had willing, courteous and efficient co-operation from all departments with which it deals. It has made its own arrangement of these figures. It has attempted to get the whole story in each instance. It has exercised care to deal solely in facts. It has supplied the information so gathered to the department or officer in position to make use of the information. It has accom-

plished a number of reforms in the administration of justice, which warrant the assertion that if the crime situation in Chicago or in any other large city is to be met intelligently and effectively the first requisite is a bureau or agency which will gather and interpret all the facts bearing upon it. Illinois has no such bureau. Its Legislature has twice rejected the proposal to establish one, but the public is beginning to realize both the importance and the necessity of such a bureau and eventually public opinion will demand and obtain it.

The results obtained by the Chicago Crime Commission in less than three years' operation proves beyond all question of doubt that such a bureau is necessary, practical and worth many times the cost of its maintenance. Every municipality in the state should be compelled by law to furnish a complete record of each individual arrested on a criminal complaint. No report in a felony case should be considered complete until it followed the disposition of a case not only to its termination in court but until the termination of the sentence inflicted. It should include all salient points. It is safe to venture that such a system properly operated would after a comparatively short period reveal not only the extent but the source of many of the evils which foster crime and create criminals. To accomplish this most effectively there should be a central clearing house. State bureaus would permit the prompt and easy exchange of important information between county and municipal authorities. The states would find it convenient to exchange information with each other and the general public would profit. Under our present system there are wheels within wheels. There is some contact all along the line. The machinery is in motion. We have the figures on the face of the clock, but it is without hands. State and municipal bureaus will put hands on the clock. They would indicate to the professional criminal that the time of accounting had come.

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## DISCUSSION

MR. FRANCIS FISHER KANE (Philadelphia): I only want to be advised as to the thought of the gentlemen on this committee as to a point which has from time to time brought forth criticism in Philadelphia. In Philadelphia we keep a record, a photograph, and I am not sure whether we keep the thumb prints, but we keep photographs and records of all persons arrested and brought, as I understand it, to the Central Station in our City Hall, and that has provoked criticism. It has been said, from time to time, that that is a mistake, that it is an injustice for an innocent man to get into the rogue's gallery in that way, and that it is in derogation of the rights of American citizens. I would like very much

to know what the practice is in Chicago, and what the thought of these gentlemen is on that point.

COLONEL HENRY BARRETT CHAMBERLIN: There is in connection with the Police Department of the City of Chicago a Standard Bureau of Identification, including measurements, finger prints, photographs and records. The difficulty with these records, however, and the difficulty with all records not practically applied, is that they are dead and they are useful only when you come to hold a post mortem as to why a certain criminal escaped, or was not justly tried, or properly released or convicted, as the case might be. The Crime Commission has gone on an entirely different line. It has attempted to translate into terms of practical operation the statistical information that it has at hand, and if I may be borne with for a moment I will give you two cases.

Day before yesterday, in the City of Chicago, the police arrested a man on suspicion of having stolen an automobile. He had been in the custody of the police for twelve hours when the chief justice of the Criminal Court granted a petition for writ of habeas corpus, and directed that he be brought in at four o'clock. The moment that was telephoned by the operative of the Crime Commission assigned to that particular court room, we examined our records and discovered that this same man was under indictment, first, for a rape, second, for assault to commit murder, and third, for robbery, charged with the stealing of an automobile; that he had not been apprehended, that his bail had been fixed at \$21,500; the police didn't know it; the sheriff had overlooked it, and, of course, the court had no means of knowing it. We immediately notified the police department, the sheriff's office, and the clerk of the Criminal Court, and the chief justice. The police brought him in at four o'clock, and the return was that they had been holding him on suspicion and had nothing against him. The chief justice discharged him and the sheriff immediately arrested him, and he is in jail now. Had it not been for that his attorney would have been able to get him away and we might not have found him at all. Another case—and Mr. Colvin, the Superintendent of the Division of Pardons and Paroles, will bear me out in this—some two or three years ago Mr. Colvin issued his warrant for the arrest of a prisoner for violation of parole, and sent it to the Police Department of the City of Chicago for service. The police department had it for eight months and were unable to find the man. During all of that time this same man, under his own name, was serving a sentence in the county jail. In another case, in examining our records and watching the shifting population from the Northern Illinois State Penitentiary at Joliet, we found that a certain man was away on a writ, and also discovered that the Supreme Court had passed on the case and had issued its mandate, but the man wasn't in the cell. We got in touch with the warden. The warden said that the cell was there waiting, but the man had not been returned, and it wasn't his business to get him. Naturally we went into that case and stirred things up. We made it so interesting that the man himself appeared and surrendered himself to the sheriff and went back. He had been living a very decent life during the time and had been making good, and I am very glad to say that the Division of Pardons and Paroles took that into consideration, because of the fact that the day he came back, by

reason of information that was inadequate, they were about to release two prisoners from the penitentiary, having been satisfied that this man's absence indicated that they were innocent, but his return proved that the converse was true. So they are there and this other man is out. Unfortunately, he died a few months ago. These are some instances of the practical operation of the Crime Commission in dealing—not with dead statistics, but human documents—being able to advise with the various agencies interested in the administration of criminal justice.

MR. FRANCIS FISHER KANE: That would seem entirely to justify the preservation of records from the day of arrest.

PRESIDENT HUGO PAM: Of course, the question of photographs is always a question that bothers individuals who may happen to be arrested and are afterwards released. It is a question whether they can secure their return, and the destruction of the plates or their return to the person whose picture was taken. I don't think there is any remedy for that in the courts today. With reference to statistics and identification, wouldn't the remedy be to go before the chancellor when a man has been innocently arrested and ask that the police department expunge such evidence from its records? If that could be done, I think it would help materially in securing such statistical information.